

BLACKS IN NEW JERSEY
1985 Report

A Review of Selected Recent Developments

Sixth Annual Report of the
New Jersey Public Policy Research Institute

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The New Jersey Public Policy Research Institute (NJPPRI), established in 1978, is a volunteer, non-profit, tax exempt organization. The Institute is concerned with identifying, analyzing and promulgating public policy issues significantly affecting the black residents of New Jersey. The organization seeks to present these issues for appropriate public discussion and, thereby, to contribute to the development of strategies that address these issues in ways beneficial to the State's black population.

The Institute is state-wide in focus and attempts to work cooperatively with public policy oriented individuals and organizations throughout New Jersey.

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FOREWORD

In this edition of Blacks in New Jersey, several writers attempt to highlight some recent developments in public policy of importance to the state's black community. Over the past few years changes have occurred in a number of areas that impact on the prospects of black New Jerseyans, changes that warrant continuing attention. By highlighting the issues selected for treatment in this report, we hope to contribute to a deeper appreciation of their significance to our community.

It seems rather appropriate that at the mid-point of this decade we pause to assess some gains made by blacks in New Jersey and to acknowledge, as well, unfulfilled expectations. The community overview, which appears as the first article in this report, provides a snapshot of the different realities experienced by blacks in this state. The article that follows, concerning the emerging state government role in urban redevelopment, is cautiously optimistic. Unfortunately, the views presented here regarding implementation of the New Jersey Supreme Court's

Mount_Laurel decisions are not as encouraging. Also disappointing are the findings regarding minority business development in our fair state. Finally, a rather positive note is struck about black political prospects in the article on the statewide impact of Jesse Jackson's presidential campaign in New Jersey.

The NJPPRI membership hopes that by putting before you the information in the pages that follow, you will be more effective in your efforts to improve the quality of life conditions all blacks experience in New Jersey.

Richard W. Roper
Editor

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The Black Community:
Decline? Stagnation? Progress?

George Hampton

How will historians view the quality of life experienced by blacks in New Jersey during the post Civil Rights, Affirmative Action, Equal Employment Opportunity era of the 1970's and 1980's? If one were to accept the picture painted by the media, blacks are resource users rather than resource generators; we need more than we give and are consequently a burden on society.

New Jersey's black citizens are stereotyped. We are viewed collectively as poor, uneducated, and unemployed. In fact, social scientists and demographers have quantified in considerable detail the problems besetting New Jersey's black population. Indeed, this writer reported in the Community Index section of the 1982 edition of Blacks in New Jersey that "while blacks comprise only 12.5% of the state's population, they are 49% of those on welfare, 24% of those unemployed and about 60% of those in State prisons." All of this -- as well as the alarming statistics on teenage pregnancies, single parent female headed households and education failure rates -- is true. Such data needs to be known. When combined with philanthropic arguments they can and should be used to influence government policy; to raise social consciousness; and to imbue with civic/moral responsibility those who have the wherewithal to make change.

Yet, a more careful review of available data reveal a black population in this state of significant diversity. There is no one black community but several. Many blacks are still chained in poverty, others are extraordinary achievers, and most are average, working citizens seeking a better life for their families. For example, in 1979 although there were about 65,000 black households receiving public assistance, almost 232,000 black households had earned incomes.¹ While 4,800 black students dropped out before completing high school in 1984,² there were 5,200 who went on to college that year.³ Indeed, while there were 5,300 blacks in state prisons in 1983,⁴ about 27,000 black youngsters were undergraduate students in State Colleges and Universities.⁵ Has the economic prospect for black New Jerseyans declined, stagnated or improved over the past twenty years? A reasoned response to this question would be that for some blacks, prospects have declined (especially the urban underclass and female headed households); for other blacks it has stagnated; for still another group the prospects are better than ever (for example, middle class, educated, two paycheck families).

STAGNATION?

Generally when black progress is measured against that of whites, blacks are shown to be collectively in an inferior or stagnant position. For example, social scientists can argue that unemployment for blacks continues to be twice that of whites,⁶ and the income gap between the races is getting worse: in 1970 the median black family income was 65% of the median white family income, but in 1980 it was only 60% of the median white family income. Further, in 1970 black per capita income was 61% that of the state per capita income, and it

increased only slightly to 63% of the state per capita income in 1980.⁷

While a greater percentage of blacks today have college training,⁸ recent attention has been focused on the decline in black college enrollment first reported by the N.J. Department of Higher Education in December, 1984. Indeed, from 1982-1984 the college going rate for black high school graduates declined slightly from 44% to 42%. During the same period, the white college going rate increased from 57% to 59%.⁹ Furthermore, equal education by itself does not insure equality. For example, in 1970 black male college graduates earned an average of \$49 less than white male high school graduates with no college; by 1980 black males with four years of college had average earnings of only \$1,000 more a year than white male high school graduates with no college training.¹⁰

While blacks have made significant gains in securing professional and technical positions, they are still substantially underrepresented in many areas and tend to be concentrated in the lower paying professions. For example, blacks comprise only 2.5% of the state's lawyers and judges, 3% of engineers, architects and surveyors, and 3% of doctors, dentists and other health diagnosing professionals. Nine percent of N.J. secondary school teachers are black, but blacks comprise less than 5% of college professors. Meanwhile, over 19% of the state's social and religious workers are black.¹¹

N.J. blacks are also underrepresented in business entrepreneurship. In 1980, about 9% of white households reported non-farm, self employed, earned income but only 3% of black households were in this position.¹² Also home ownership has not improved significantly for blacks. Homeownership went from 34% of the black population in 1970 to 36% in 1980.¹³

GEOGRAPHIC LOCATION AND INCOME

Blacks are ubiquitous and can be found in all counties in the state. Central cities no longer have the jobs and therefore the attraction for blacks they once had. In 1980 only about 35% of New Jersey's 210,000 black families lived in central cities, while about 61% are now found in the built up suburban or urban fringe; another 4% are living in the rural areas of the state.¹⁴ Central cities remain prominent for poor black families while the urban fringe/suburbs have attracted most of the state's middle income black families. Central cities account for about 49% of all black households receiving public assistance.¹⁵ The urban fringe/suburbs, on the other hand, account for about 72% of all black families with income of \$25,000 or more.¹⁶ Just as middle class whites have left the central cities for the suburbs so too have middle class blacks.

DECLINES AND THE URBAN UNDERCLASS

Problems are enormous for many of those who remain in New Jersey cities. According to a study of ten cities by the New Jersey Office of Economic Policy, published in 1983, entitled "Economic Distress in New Jersey Cities," there is a major gap in the well being and quality of life in the cities compared to the rest of the State. Some of the problems are:

- a) In 1980 the average income of a family in the cities was \$16,825; in the rest of the state it was nearly \$28,000.
- b) Twenty-six percent of the population in the ten cities was classified as having income below the poverty level; while in the rest of the state, only 6.3% of the population was living below the poverty level.

- c) The housing stock in the cities declined by almost 6% and increased by 20% in the rest of the state. These numbers refer to the period between 1970 and 1980.
- d) The crime rate was almost double in the cities as compared with the rest of the state.

In addition, poverty continues to plague blacks in central cities. Many social scientists have already documented the extent of black poverty in New Jersey. The statistics below highlight some of the problems often mentioned.

1. The number of black families below the poverty line increased from 19% of all families in 1970 to 24% in 1980. The number of black families just above the poverty line also increased from 26% of all families in 1970 to 28% in 1980.¹⁷
2. In 1980, 34% of all black children were in poverty, up from 28% in 1970. Furthermore, in 1980, only 43% of black children under the age of 18 were living with two parents, compared to 84% of white children.¹⁸
3. Female-headed black families in 1979 subsisted on an average annual income of only \$6,651. If small children (under six years) were present, these families had average earnings of only \$4,776.¹⁹
4. Most black babies during the 1970's were born to families that could least afford them. While there was only a 2.5% rise in the total number of black children, the number of black children in poverty increased by 25%.²⁰
5. Extremely high fertility rates among girls between the ages of ten to seventeen, and low participation in prenatal care programs, increased the likelihood of non-white mothers

experiencing birth complications. In 1982, only 65% of non-white mothers received prenatal care during the first trimester of pregnancy, compared to 83% of white mothers. As a result, non-white mothers were more than twice as likely to have a low weight baby than whites. Today in N.J., infant mortality is 98% higher for non whites than whites.²¹

The above data, as well as statistics presented in previous Beaques in New Jersey reports, offer clear evidence of the continuing deprivation suffered by many blacks in this state. Yet there is another dimension to the black experience in N.J. that should be explored.

BLUPPIES, BUMP's AND BAF's

Whether accomplished by sheer self-determination or the results of the Civil Rights/Affirmative Action programs, success for some blacks has been obtainable. Upwardly mobile black achievers in New Jersey are doing better in the 80's than they were ten or twenty years ago. They are better educated, have achieved significant gains in incomes and accessed more white collar jobs than ever. In many ways, for them, the gaps in the "quality of life" between blacks and whites have lessened. Black achievers, regardless of the social/economic barriers that have been placed before them, have managed to acquire a life style that is little different from that of any middle class American. While white America has Yuppies (Young Urban Professionals) black New Jerseyans have BUMP's (Black Upwardly Mobile Professionals), Bluppies (Black Urban Professionals), and BAF's (Black Achieving Females).

There are slightly more middle class blacks today than in the preceeding decade. About 29% of all black families met or exceeded the state median income of \$22,900 in 1980, about 27% of such families met the median income of \$11,400 in 1970.²²

BUMP's (Black Upwardly Mobile Professionals): The number of blacks employed or having recent civilian work experience increased by 30% between 1970 and 1980, compared to a statewide experienced labor force increase of only 18%. There was a sizable increase in the percentage of blacks employed in professional, technical, sales and other jobs which had been closed to blacks in the past. For example, blacks increased their share of managerial and administrative jobs to 5.2% in 1980. Similarly, the number of blacks employed in professional and technical specialties increased between 1970 and 1980. In 1980, 7.9% of all professionals and technicians in the state were black, up from 4.9% in 1970.²³

Black achievers are progressing in different ways; they are staying in school longer, and are acquiring high school and college degrees at exceptional rates. Between 1960-1980 blacks made a gain of 3.5 years of schooling on the average compared with 1.7 years for whites. By 1980 the median level of schooling for blacks was above twelve years, a level almost equal to whites.²⁴ Further, college bound blacks are being enrolled in four year colleges and universities at rates comparable to their white peers.²⁵

Today, 56% of New Jersey blacks over age twenty five have a high school diploma, up from 36% in 1970. Currently 13% of blacks over age twenty five have one to three years of college, the same rate as whites. The number of blacks completing four or more years of college,

however, falls off to 9% of all blacks over age twenty five, as compared with 19% for whites in the same category.²⁶

BLUPPIES (Black Urban Professionals): In some ways even urban school districts with heavy concentrations of blacks have provided their fair share of educational success. There are Bluppies in the larger cities. The college going rate of black high school graduates from New Jersey's largest cities is surprisingly high. The City of Newark hosts three public high schools (Arts, Science and University) whose college going rates among its 1984 black graduates were 93%, 86% and 94% respectively. In 1984, the state's six largest cities (Newark, Jersey City, Elizabeth, Paterson, Trenton and Camden) produced 34% of the state's black public high school graduates, and 31% of the state's college bound black students. Thirty-eight percent of black high school graduates from the six largest cities were admitted to college in 1984, both within and out of state, while black graduates from the remainder of the state had a college admittance rate of 45%.²⁷

BAF's (Black Achieving Females): One reason for much of the recent black success has been due to the job gains of black women. Black women are responsible for most of the job gains registered by blacks over the last decade. The number of black women in the experienced civilian labor force increased 42% between 1970 and 1980. By 1980, 56% of black women over age sixteen were in the labor force, and there were slightly more black women employed than black men.

Black women are competing successfully with white women for professional positions. In 1980, black women over the age of sixteen comprised 12% of all women in this age group in the state. Black women,

1980 data reveal, represented 5% of women employed in the health diagnosing fields in N.J. (doctors, dentists, etc.); 6% of women college professors; 8% of women scientists; 9% of women lawyers and judges; and 9% of women executives and administrators.

Black women are also competing successfully with black men for these and other professional positions. In 1980, black women comprised 19% of all blacks employed in N.J.'s health diagnosing workforce; 41% of black lawyers and judges; 42% of black scientists; 44% of black executives; and 46% of black college teachers. The ratios of white women employed in these occupations to white men are substantially lower.²⁸

The increasing participation of black women in the workforce between 1970 and 1980 resulted in a 32% rise in the number of black families where both husband and wife worked. Married couples comprise about 54% of all black families in New Jersey. Indeed, the acquisition of middle class amenities by blacks has been made possible, in large measure, by the increasing number of black families where both partners work. In 1980, both the husband and wife worked in 51% of black married-couple families, up from 40% in 1970. Black families where the husband and wife worked increased their income by 121% between 1970 and 1980. This was a faster increase in income than that accomplished by two worker white families.

The accumulation of income by some black families has been aided by their decision to delay child-rearing. In 1980, only 59% of black married couples had children under eighteen, down from 63% in 1970.

However, the success of two paycheck, small families is being jeopardized by divorce rates. Although married couples make up a majority of black families in New Jersey, the black family structure is

deteriorating. In 1980, the black divorce rate was 5% higher than that of whites. While 54% of black families in 1980 were comprised of both partners (down from 66% in 1970) 85% of white families were so constituted.²⁹

CONCLUSIONS/RECOMMENDATIONS

Social scientists, demographers, religious leaders, politicians and private citizens must cease speaking of blacks in monolithic, stereotypical form. Black New Jerseyans are as diverse in incomes, education, goal orientation and lifestyles as are other ethnic groups. We are not all poor, criminal and illiterate; nor are we all rich, highly educated, free spirits. As is true of the population generally, the overwhelming majority of black New Jerseyans are employed: about 79% of black households have earned incomes, a rate similar to whites.³⁰ Further, a majority of blacks have at least high school diplomas,³¹ and are law abiding citizens who struggle to pursue a better life for their families. However, while one set of families continues to improve another continues to decline.

Discrimination has and continues to place barriers in the way of blacks. As a group, blacks do not have equality, equity or access to the American Dream (homeownership, entrepreneurship and self-sufficiency). And there are too many blacks (especially considering New Jersey's urban underclass) who continue to be submerged in frustration, despair and poverty, in spite of Affirmative Action, Equal Employment Opportunity, Civil Rights laws, regulations and programs. For this group economic problems and circumstances seem to defy government solutions.

Indeed, in some ways generations of poverty appear to be habit forming -- poverty begets poverty. While middle income blacks are having fewer children, poorer blacks are having even more children. During the decade from 1970 1980, the number of black children under the age of eighteen increased by only 2.5%, yet the number of black children in poverty increased by 25%, or ten times as much.³² But can government or black leaders alone break the chains that bind illiteracy with joblessness; teenage pregnancy with infant mortality and female-headed households; and youth unemployment with life long criminality?

GOVERNMENT PROGRAMS -- Black New Jerseyans, collectively, still have a long struggle ahead if equality, equity and parity are to be achieved. While about 29% of the black population have achieved middle income status, another 71% have not; furthermore, there are very few upper income blacks. Government programs must continue to address issues which focus upon the urban underclass:

- 1) social welfare.
- 2) discrimination barriers which prevent access to better living
- 3) health policies which address teenage pregnancies and prenatal care, infant mortality and female-headed households.
- 4) the rebuilding and revitalization of central cities to attract and retain all income groups.
- 5) employment issues including discrimination but also the need for pursuing full employment policies.
- 6) economic issues including policies such as the distribution of ownership, and equity, availability of capital and credit, the encouragement of entrepreneurship, and small business assistance.

However, there are many problems with government programs, including their inability to solve problems. Generally, such programs are underfunded, overstated, and short lived, whether successful or not. Furthermore, not enough has been done to move people toward self-sufficiency. While government can have an affect on the status of blacks in New Jersey, clearly more must be done by black citizens to help themselves.

BLACK LEADERSHIP -- Citizens must elect the kind of leadership that can articulate with equal vigor and understanding, the problems of the poor and the black middle class; including the need to encourage entrepreneurship, specialized education for the brightest students, and greater numbers of homeowners (especially in urban areas).

Central cities are losing the last of those populations who could help most -- educated middle income blacks who have chosen the urban fringe/suburbs for shelter. More must be done to encourage black doctors, lawyers, architects and engineers to live in and revitalize urban neighborhoods.

The post Civil Rights era provided black New Jerseyans with politicians and rhetoricians, but now the information technology era will require more black technicians. Such technicians should not only be employees but more should explore becoming employers.

In 1980, the total black New Jersey household income exceeded 4.7 billion dollars.³³ More must be done to keep those dollars circulating and reinvested in the black communities. The increasing numbers of black educators and middle income households must begin to create options for those among them who are less fortunate. There is tremendous talent among black scholars and leaders who must begin to

debate the issues critical to the black condition using economics as they once used sociology and morality.

If the black middle and upper classes now represent about 29% of all black households, is 40% a reasonable goal to seek by 1990? If there were 27,000 undergraduates in state colleges should we now seek 30,000 as a reasonable goal? If some of the causes of poverty are due to large families headed by teenage females, what should be done about it? Obviously, these questions and others should be continuously researched, quantified, and debated.

FOOTNOTES

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URBAN REVITALIZATION:

State Government Gets Involved

Richard W. Roper

The 1982 edition of Blacks in New Jersey offered the opinion that the quest for urban revitalization would succeed in New Jersey only if state government began to play a more active role in the revitalization process. The report acknowledged the important contribution to urban redevelopment made by the federal government during the 1970's. Federal programs like the Community Development Block Grant, the Urban Development Action Grant, and the programs of the Economic Development Administration in the U.S. Department of Commerce had given distressed cities in New Jersey and across the country badly needed resources with which to implement redevelopment projects. The report warned, however, that federal aid was declining and would continue doing so. Consequently, state government could no longer avoid getting more actively involved if the hoped for revitalization of New Jersey cities was to be achieved.

Prior to 1980, the role of state government in assisting declining urban centers in New Jersey was minimal. The Urban Aid program, created in 1969 by the Hughes Administration and the Safe and Clean Streets program, established in 1973 by the Cahill Administration had been the major state level expressions of concern about the cities. During the Byrne Administration, school financing reform and the accompanying state income tax were purported to benefit urban areas. Even today, questions remain as to whether this has been the case. The

Byrne Administration, however, can claim to have put in place the Qualified Bond Act which has helped cities sell bonds at reasonable rates.

Even New Jersey's Economic Development Authority, which was seen in its start-up days as a potentially major contributor to urban renewal, had not, ten years later, lived up to expectations. Several industrial parks, to its credit, were by then being established in Newark, Elizabeth, Jersey City, and Trenton. But as an agency responsible for promoting economic development in New Jersey, its urban assistance track record was rather disappointing.

The relatively low level involvement of New Jersey state government in the urban revitalization struggle led this writer in the 1982 report to suggest that the time had come for change. The report stated:

"The role of state government in urban revitalization activity in New Jersey has been almost nonexistent. Because of the heavy presence of the federal government in the recent past, the absence of a strong state role in urban revitalization has not been that important. Given current circumstances, however, the state can no longer absent itself from the work still to be done. Indeed, it may be argued that in the days ahead successful urban development in New Jersey will depend to a much greater degree on the partnership of local government, the private sector and state government."

STATE GOVERNMENT TAKES NOTICE

The state role in urban redevelopment called for in the 1982 edition of Blacks in New Jersey has started to come into focus over the last few years. Both Governor Kean and the legislature have taken

significant steps to involve state government in the search for ways to stem further urban decline and to recapture some economic vitality for New Jersey's cities.

The movement toward an enhanced state role in urban revitalization began with the approval of the Community Development Bond Act by the state's voters in November, 1982. The Act authorized the sale of bonds to create a \$45 million Local Development Financing Fund, a \$30 million Community Development Fund and to provide \$10 million of additional support for the industrial parks program of New Jersey's Economic Development Authority. At no time in the state's history had a bond issue been proposed that was specifically designed to finance urban revitalization projects. Voter approval of the Community Development Bond Act was, therefore, interpreted to imply public acceptance of the need for state government to contribute to the work required for urban redevelopment.

The following year, 1983, New Jersey established an urban enterprise zone program. Through this program, tax incentives are provided to businesses that locate in selected distressed urban areas. The incentives are designed to stimulate private investment in commercial and industrial projects in the state's urban areas. This program is clearly targeted on New Jersey's economically distressed communities.

Then in 1984, legislation was enacted giving selected cities permission to use tax increment financing. The Tax Increment Financing Act (PL 1984, C172) allows New Jersey cities to issue bonds that are backed by the tax receipts of a specified area of the municipality. While the Act does not provide state government financial assistance to cities, it makes it possible for the cities to expand their bonding

capacity. Tax increment financing is an important tool for use in pursuit of urban revitalization.

More recently, the legislature and governor reached agreement on a bill to require the casinos in Atlantic City to participate in the revitalization of that municipality and other New Jersey communities. The creation of the Atlantic City Casino Reinvestment Development Authority, established in December, 1984 will coordinate the distribution of an estimated \$1.6 billion over the next twenty-five years for redevelopment projects throughout New Jersey. Atlantic City will be the recipient of an estimated \$750 million of the available project funds.

Then in July, 1985, a short seven months after passage of the Casino Reinvestment Development Act, New Jersey state government positioned itself as a key actor in promoting urban redevelopment. The governor signed into law legislation creating the New Jersey Urban Development Corporation. This new Corporation is charged with providing financial, managerial, and technical assistance to persons, firms or corporations who wish to undertake residential, industrial, land-use improvement, civic or utility, and multi purpose projects in qualified municipalities. Eligible places include urban and municipalities as well as those places with certain distress characteristics. The Corporation is also charged with preparing an Urban Development Strategy document setting forth its assessment of the current need for projects of the type enumerated -- except residential - and describing sources of funds and the level of financial participation by the Corporation. The work of the Corporation will be financed by \$30 million from the Community Development Bond Act of 1982.

Enactment of the Urban Development Corporation signalled clearly that state government was prepared to assume a partnership with urban officials and the private sector in promoting urban redevelopment. While this initiative, or its recent antecedents, has produced no measurable results as yet, the potential contribution to urban redevelopment embodied in the new state role could be quite significant.

Some urban advocates have suggested that the state do even more. State Senator David C. Schwartz, (D. Middlesex) has proposed for example, a new urban policy for New Jersey composed of ten component parts. His program has many good features and would advance even further the state role in urban revitalization. The ten point program he has put forward includes the following:

1. Urban Development Corporation
2. State Level Urban Development Action Grant (UDAG)
3. Bank for Regional Development
4. Historic Preservation and Economic
Development Bond Fund
5. Urban Arts Financing Act
6. Tax Increment Financing
7. Enterprise Zone Program
8. Downtown Management Corporations
9. Urban Housing Fund
10. Urban Action Institute for the Neighborhoods

Five of these proposals are now, in fact, operational. The Urban Development Corporation, the State UDAG (funded at \$45 million by the Local Development Financing Fund of the Community Development Bond Act of 1982), Tax Increment Financing, Urban Enterprise Zones, and Downtown

Management Corporations have all been established. From this writer's perspective, while the remaining five programs would be welcome, those in place, if creatively managed, could prove of considerable value to the urban revitalization effort.

A FRAMEWORK FOR ACTION

The distance between "potential" and realized positive change in central city conditions is not a short trip. George Hampton in his article in this report on the economic prospects of blacks in New Jersey has pointed out some of the problems besetting blacks in the state's central cities. We should commend state political leaders for acknowledging the need to involve state government in the urban revitalization struggle. We should also, however, keep in mind the goals toward which we think state government involvement should be directed. The existence of several urban oriented state initiatives will not, by themselves, necessarily result in the alleviation of black distress in New Jersey's central cities. This is an important point and should set the context within which we monitor and evaluate the new state role.

Urban revitalization should be viewed as the pursuit of two equally important goals. One of these goals is upgrading the economic base of distressed cities by enlarging their tax base and fostering business development. The other goal is to contribute to a reduction in the high unemployment rate such areas generally experience and to brighten the economic environment of local residents. These twin goals may on the surface appear synonymous. They are not. Further, they are all too often regarded by urban policy planners as being almost mutually exclusive: Pursuit of one of the goals limits or precludes

action on the other. It is argued by some that the nature of government programs required to achieve the twin goals of helping distressed people and distressed places are so different that attempts to "package" them in one program are doomed to fail.

We must proceed on the basis that public programs can be designed to respond to both the problems of distressed urban places and the people who reside in them. The standard against which New Jersey's new urban initiatives should be measured, therefore, is the extent to which the implemented projects are designed to give balanced attention to upgrading the urban environment and the lives of urban residents.

NEXT STEPS IN THE STRUGGLE

The first critical issue that now must be faced is the means by which the parts of New Jersey's urban thrust will be coordinated to achieve the twin goals referred to earlier. These programs plus the on going capacity of state government agencies to direct resources toward urban redevelopment must work in tandem and not at cross purposes. The responsibility for doing this has not been clearly established. The Governor's Office of Economic Policy in its 1984 report suggested that the Urban Development Corporation could be the managing agent for several of the new programs. This suggestion appears sound and should be given serious consideration.

Assuming the issue of coordination is resolved, there are four points that should be regarded as key if the new state urban oriented programs are to benefit both urban places and urban residents. The programs, in order to promote these goals, must facilitate the development of:

1. central business district and neighborhood based projects;
2. a mix of commercial and industrial projects;
3. indigenous minority business enterprises; and
4. job training and skills enhancement opportunities.

These features are important because they focus as much on the needs of people in central cities as on the places themselves. If these features are lacking in the evolving urban redevelopment thrust of New Jersey state government we can expect little change in the quality of life position of central city residents.

These four points are a useful way of measuring state government's commitment to helping inner city residents participate in any planned redevelopment. They comprise a handy, simple checklist of what we should look for in the days ahead as the new programs unfold.

The programs and tools that have been created to assist in urban revitalization in New Jersey can be made to function so that the above four features are addressed. Insuring that these features are addressed, however, will depend in large measure, on continuous pressure from urban revitalization proponents and especially from blacks insisting that this occur.

MOUNT LAUREL II: AN UPDATE

Robert Holmes

In September 1983 this author examined the likelihood of blacks and other minorities gaining access to lower cost housing constructed in suburban New Jersey as a result of the implementation of the Mount Laurel II Supreme Court decision rendered in April of that year.

It was noted in that article that the Mount Laurel decision's definition of the protected class was in terms of economic condition and not racial characteristics. That is, potential black candidates would have to compete against all persons meeting the prescribed income tests.

In large part due to past practices of racial discrimination, the vast majority of New Jersey's black residents live in urban areas (central cities and their adjacent older suburbs). For this reason, the best case for assuring black access to Mount Laurel housing is an argument for a strict interpretation of the court's stated goal. The court's primary objective, it could be argued, is to correct a serious social wrong -- the division of New Jersey society into the white middle and upper class in the suburbs and the poor and black in the cities.

Selection criteria that do not give priority to present urban dwellers are counterproductive to this strict interpretation of Mount Laurel. Such criteria would tend to perpetuate the vicious cycle the

law sought to break: poor families not being able to escape the less attractive but more affordable housing of the cities because of an inability to afford either the housing closer to new job markets or the expensive commute to those job opportunities from their current residences. Poor black families would face these same difficulties together with the effects of past and present racism.

This combination of circumstances led this author to theorize that the Mount Laurel doctrine could enjoy significant success without directly affecting a single black family. The first significant Mount Laurel housing project is now completed and seems to support this theory. Out of 218 units sold as of this writing, only three (3) went to black purchasers.¹

Village Green Bedminster: A Case Study

Bedminster Township is a Somerset County community of 2,469 residents, 2,429 white and 21 black.² The community is located fourteen miles northwest of Plainfield, twenty four miles northwest of Perth Amboy, twenty six miles southwest of Newark and eighteen miles northwest of New Brunswick and is adjacent to one of New Jersey's new commercial "hot spots" located along the highway corridors of Routes 287 and 78.³

The median family income for Bedminster residents is \$29,172/year as compared, for example, to \$17,083/year for New Brunswick families and \$11,989/year for Newark families.⁴

As part of a settlement of a Mount Laurel lawsuit brought against it by the Hills Development Corporation, in conjunction with the State Public Advocate's Office, Bedminster Township agreed to the construction of 1,300 townhouse condominium units on about 130 acres. In conformance with the "builder's remedy" provided by the Mount Laurel

II law, the project mix was to be 1,040 market price units and 260 or 20% - low and moderate income units. The 260 unit low and moderate income section of the overall project is called Village Green Bedminster.

Selection criteria for purchasing a unit at Village Green area are divided into two priority categories:⁵

First Priority Category

1. The following classes of households will be considered first priority households for purchase of units at Village Green.

(a) Households with one or more wage earners working in Bedminster and meeting any one of the following criteria:

- (1) Employees of the township and school district of Bedminster living in shared or deficient housing, to be given priority over other applicants in this category;
- (2) Living in deficient housing as that shall be defined by the Corporation;
- (3) Living more than twenty miles from the place of work within Bedminster by the most time-efficient route to work, or living in an urban and municipality as defined for purposes of the 'consensus' fair share housing allocation plan.

(b) Households representing indigenous housing need in the Township of Bedminster; i.e., households living in units either lacking plumbing, lacking adequate heating, or overcrowded, as defined for purposes of the 'consensus' fair share housing allocation plan.

Second Priority Category

1. The following classes of households will be considered second priority households for purchase of units at Village Green:

(a) Households with one or more wage earners working within a ten mile distance of the Bedminster municipal boundary, and meeting either of the deficiency criteria set forth in Section 1(a)(2) and (3).

(b) Households living in Bedminster or within a ten mile distance of the Bedminster municipal boundary, and living in sub-standard housing or suffering from such other housing deficiency as may be defined by the Corporation.

2. Any households in the second priority category who are also residents in an 'urban aid' municipality as defined for purposes of the 'consensus' fair share plan will be given highest priority among applicants within this category.

While these selection criteria do not appear to adhere to a strict interpretation of the court's mandate, i.e., to deconcentrate urban areas, the outcome of the selection process seems to indicate that these criteria were not the ultimate cause of the final purchaser profile. Having gone through two selection pools, totalling nearly 5,000 inquiries, and resulting in over 1,000 serious applications, and having reached every classification within the selection criteria, the

sales agent for Village Green was unable to fully sell the 260 available units.⁶ Further, while the second round of advertising was carefully targeted to urban areas and to minority communities, only 6% of the applicants resided in urban areas and only 1% of the total applicants were black.⁷

The Village Green example suggests that a project's location may be as significant a factor in determining the profile of applicants as is local administration of sales through selection criteria and marketing techniques. In addition, mortgage financing also appears to have emerged as a critical factor.

MOUNT LAUREL DILEMMAS

Mortgage Financing

The overwhelming majority of applicants who failed to make it all the way through the purchase process in the Village Green case failed at the mortgage financing stage.⁸ It would appear that being poor enough in New Jersey to qualify for Mount Laurel housing describes one as too poor to qualify for a mortgage loan to purchase that housing.

Of the nearly 900 applicants surviving the Mount Laurel income test, only 218 entered into contracts of sale.⁹ Most of the 682 rejected candidates failed to qualify for a mortgage.¹⁰ Even more significance can be ascribed to this fact when it is realized that the principle mortgage money source was the State of New Jersey Mortgage Finance Agency which offered 95% mortgages at the below market interest rate of 11%. Even with these favorable mortgage terms, when combined with closing costs, the lowest priced unit at Village Green required nearly \$2,000 in cash to purchase.

A reliable rule of thumb for mortgage qualifications is that monthly payments should not exceed 28% of the purchaser's gross income. For example, a low income candidate with four in the family qualified for a three bedroom house at a price of \$34,200 if the total family income did not exceed \$16,850. If we estimate taxes and insurance to total \$100/month, this family should qualify for a mortgage with payments not to exceed \$293/month (28% of \$16,850 = \$471.80 minus \$178.80 = \$293/month). On a monthly basis, \$293 will repay a \$30,000 thirty year mortgage at 11% leaving a down payment requirement of \$4,200 not including other closing costs.

Similarly, a moderate income candidate with four in the family qualified for a three bedroom unit at a price of \$57,800 if the total income did not exceed \$26,500. If we estimate taxes and insurance in this case to be \$150/month, this family should qualify for a mortgage with payments not to exceed \$468/month (28% of \$26,500 = \$742.00 minus \$274.00 = \$468/month). On a monthly basis, \$468 will repay a \$49,000 thirty year mortgage at 11% leaving a down payment requirement of \$8,800 not including closing costs.

Obviously the price of the unit is an extremely significant element of the elusive equation to qualify Mount Laurel candidates for mortgages. For developers to price units at or near mortgage qualifying levels is to describe an extremely narrow band of potential buyers. Such buyers would consist of those low or moderate income persons/families at the very top of their respective income eligibility category. Slightly higher unit prices could render the relationship between Mount Laurel incomes tests and mortgage qualifying tests an insurmountable Catch 22. Lower prices could render the subsidizing market price units unmarketable.

Project Location

Location of the Village Green project appears to have had an extraordinary chilling effect on urban applicants in general and black applicants in particular, while firmly addressing the barriers to housing opportunity in the suburbs for lower income urban dwellers, it is not clear whether the Mount Laurel court considered the traditional and natural inducements and motivations for people making housing choices. Two assumptions could reasonably have been made by the Court: (1) that job location tends to induce residence change and not the reverse; and (2) that people tend to be willing only to stretch the "social fabric" of their lives but not to tear out of it altogether.

In the Village Green example, of the 695 initial applicants, only twenty three resided in an urban and municipality.¹¹ Approximately 1% of the total applicants were black.¹² Having no previous ties to Bedminster or its immediate surrounds seems to have discouraged urban and especially black urban dwellers from even applying for the below market price units.

The mere availability of "affordable" housing is not enough; nor is it reasonable to expect that the housing choice can precede new job choices since the interim commute back to the current job site would be as financially overwhelming as the commute the Court sought to eradicate.

RECOMMENDATIONS

The Village Green experience suggests the need for a number of refinements to the Mount Laurel law; some of which are appropriate to the legislature and others that are appropriate to the grass roots

administering and monitoring of the projects themselves. For example, the Village Green sales agent found that one moderately effective way to address the conflict between the Mount Laurel means test and mortgage loan requirements was to utilize the past year's income for Mount Laurel qualifications while using the current or next year's income for mortgage qualifications. Other ways to address this problem might include additional interest write downs by the State Mortgage Finance Agency or longer mortgage terms or the creation by the state of a down payment assistance program.¹³

The problem of inducement and motivation for relocating outside of one's comfortable social network is a complex one and will likely require a series of projects before any meaningful analysis or attempt to impact the results can take place. However, it is clear that expanded employment opportunity is an inseparable adjunct to expanded housing opportunity. For the latter to work for lower income urban residents there needs to be an effort similar in purpose and strength to the Mount Laurel law in the employment arena. Critical in this context is a lag time between the employment search or placement and the opportunity to secure a below market housing unit. One conceivable method to assure this result might be to leave a certain number of units unsold while affirmative employment measures are pursued.

As Mount Laurel projects expand and follow New Jersey's highway and job "hot spots," some will inevitably emerge in suburban areas that are closer to existing traditional job centers than is Bedminster. In those instances, selection criteria will again loom as critically important since it can be predicted with reasonable certainty that both black and white urban dwellers will compete hard for those units against each other and against persons who already have some

relationship to the municipality involved. A legislative mechanism would be appropriate to prequalify selection and marketing criteria for these instances to assure that appropriate priority is given to the urban poor of which blacks constitute a significant part.

In every Mount Laurel project, mobilization of black applicants can be extremely helpful. This self help by civil rights and other activist groups might include education, mortgage prequalifying, job searches in Mount Laurel areas, and a general support system to lessen the impact of social dislocation.

Some local "deals" are probably inevitable if Mount Laurel is to work for the primary target group and blacks as a part of that group. For example, a developer (and the town) may be willing to trade deeper subsidies (lower unit prices), construction of rents, rather than sale units, or down payment assistance, for the construction of fewer low and moderate income units as compared to market price units.¹⁴ Certain otherwise suspect selection criteria favoring local priorities may be traded for other local concessions. Finally, the issue of a Mount Laurel municipality being able to buy part of its fair share in another municipality needs to be fully explored. To the extent the municipalities ultimately receiving the units are nearer to existing job centers, larger number of urban poor may reasonably be expected to locate there.

Future

It would appear that two categories of Mount Laurel municipalities are emerging characterized principally by the income eligible population they serve. One group, Towns A, are those municipalities that are located so far from traditional job centers and so remote in

socio economic terms from urban dwellers that applicants for housing are likely to be only those individuals who have ties to the municipality. In these instances mobilization may help some but large scale black participation is not likely. Towns A are towns located more than a reasonable commuting distance from a traditional job center serving urban areas. The second group, Towns B, are those nearer to the traditional job centers and are likely to attract substantial white and black urban response. In these towns mobilization and the monitoring of selection criteria are both very important in determining black participation.

As poor black families move slowly outward from the cities, first to municipalities in category B and next to municipalities in category A, the objective of the Mount Laure doctrine to correct the New Jersey circumstance of consisting of two societies -- white middle class and upper class in the suburbs and the poor and black in the cities -- may begin to be realized.

FOOTNOTES

1.

Interview with Karen Taggart, Executive Director, Hills Housing Corporation, May 7, 1985.

2.

New Jersey 1980 Census County of Population By Race and Spanish Origin, State Data Center, March 1981.

3.

See Newark Star Ledger, "Congestion on the Roadways, HOT GROWTH SPOTS," May 12, 1985.

4.

Income and Poverty in New Jersey, 1980 Census of Population and Housing State Data Center, October, 1982.

5.

Bedminster Hills Housing Corporation Village Green at Bedminster Neighborhood Condominium Fact Sheet, September 27, 1984.

6.

Karen Taggart, op.cit.

7.

Id.

8.

Id.

9.

Id.

10.

Id.

11.

Id.

12.

Id.

13.

Down payment assistance might, however, affect the purchaser's ability to qualify for mortgage insurance.

14.

Given syndication, tax benefits or other inducements (e.g., removal of rent control on the market units.) Currently debated tax reform measures could, however, destroy the value of these efforts.

THE FAIR HOUSING ACT:
Prospect and Retrospect
Hon. Wynona M. Lipman

On July 3, 1985, Governor Thomas Kean signed the "Fair Housing Act" into law. The bill, S2046 was originally designed to implement the State Supreme Court's Mt. Laurel decisions. Instead, when rewritten to comply with the Governor's conditional veto, S2046 became a much less effective instrument to achieve that objective.

Before the conditional veto language was added, S2046 was a strong legislative response to the Mt. Laurel decisions. The intention of the bill was to remove the determination of low and moderate income housing obligations from the courts and to provide a planning mechanism which municipalities could use as an alternative to court imposed formulas. The Mt. Laurel doctrine holds that land in this state must be open to everyone, rich or poor; that each municipality has a constitutional obligation to provide a fair share of housing to low and moderate income families. S2046 also contained a financing mechanism which could be substituted for the court's imposition of the "builders remedy" which allows the construction of four units of market-priced housing for every unit of low and moderate priced housing.

The legislature believed that such a bill would have received deference from the courts because it was closely attuned to the spirit of the Mt. Laurel rulings. The New Jersey Supreme Court had been waiting for ten years for such a response from the legislature.

As rewritten by the conditional veto, S2046 takes on a strident and harsh tone. It confronts the court in its own field of jurisdiction: the guarantee of equal rights and the guarantee of due

process for all. One of the fundamental principles of our democracy is the separation of powers among the three branches of government. The legislative and executive branches cannot abridge the power of the judicial branch to protect the rights of all citizens. S2046 imposes a moratorium of twelve months on the court's Mr. Laurel rulings and directs the court to silence on the subject of its power to champion equal rights and to guarantee due process to all. This kind of action may yet precipitate a constitutional crisis in the state.

The language of the veto is deliberately vague and confusing. Municipalities may maintain the status quo, i.e., is exclusionary zoning, if their master plans only display a good faith effort toward providing affordable housing opportunities. Municipalities are also exempted from providing affirmative housing programs if it is determined that the "established pattern of development in the community would be drastically altered." Towns may also rescue their land from developers by zoning their "growth areas" to be used for recreation purposes, farming areas or historic sites. Finally, municipalities may also shift fifty percent of their fair share housing obligations to urban communities. Assemblyman Wayne Bryant of Camden called this provision of the bill "plantation politics that places the poor on reservations in urban areas." The planning mechanism in the original bill was comprehensive. Local officials made the decision initially on the composition of the town's fair share. A Council on Affordable Housing then scrutinized the town's plan. If the plan was judged to be fair and the number of housing units for low and moderate income families adequate, then the town received a "presumption of validity," or a certification of its intention to observe the law of the state.

The conditional veto invites bad faith and bad faith planning. It suggests procedures available to the Council on Affordable Housing to drive down the number of units in a town's fair share. No one liked the "builders remedy" except the builders themselves. This remedy which allowed developers to override local zoning laws if they set aside twenty percent of their new housing for people of low and moderate income drove certain suburban towns into a near hysteria. Without the use of this remedy, however, towns would have continued to flout the Supreme Court's ruling indefinitely.

Not one of the hundred and thirty-five suits filed by builders against municipalities has been settled using the "builders remedy." If the town proved that it could not afford the number of units prescribed by the court formula, settlements were made with a smaller number of units.

The "Hills" development in Bedminster is an example of how the Mt. Laurel decision is being handled in several New Jersey communities. Set against the rolling hills of Somerset County the two hundred and sixty units of low and moderate income housing in the "Hills" development diffuses the argument heard so often from suburbia: "The Supreme Court wanted to put pockets of poor people in our town to drive up our crime rate and to drive down our property values." The poor were most often described as "poor blacks from urban centers." As Robert Holmes' article in this report reveals, only a handful of blacks applied to purchase the newly constructed houses.

Five years after the South Burlington County NAACP had brought suit against the town of Mt. Laurel, the Supreme Court issued its first ruling on the housing situation in New Jersey. The year was 1975. Mt. Laurel settled its fifteen years of litigation against the Burlington

County NAACP in July, 1985. Five years before, the Urban League of Essex County had filed suit against the town of Mahwah. Mahwah has finally ended its bitter struggles this very year. Two other civil rights cases (The Urban League of Middlesex County vs. nineteen municipalities in Middlesex County and the Fair Housing Council of Morris County vs. twelve municipalities in Morris County) have almost reached a final settlement. To date, there are only five "civil rights" housing suits which have been filed in the last fifteen years. One must conclude, then, that the developers in their effort to build low and moderate income housing are the only persons pleading the cause for poor people.

The greatest need for decent, affordable housing is in the cities. If we do not find a means to rehabilitate our urban housing, we will never be able to meet the needs of the poor in the cities. The original "Fair Housing Act" provided that a "reasonable percentage" of a Trust Fund established by this Act should go to urban and municipalities. The new law makes no requirement that any portion of the monies appropriated be used in urban areas. The cities must wait for a suburb to offer to share part of its housing obligation because the one hundred and fifteen million dollars which may be spent immediately is appropriated only to assist towns subject to the "builders remedy" or to assist housing programs in municipalities which have received a "substantive certification."

The new law has quieted for the moment the panic in towns which have spent thousands of dollars and years in litigation to keep poor people zoned out of their communities. There is no doubt, however, that the division between citizens in the state has been exacerbated. Bitter words are difficult to retract.

Since the federal government dismantled its housing subsidies in 1981, low and moderate income families have been priced out of the housing market. There is a great need for a state housing subsidy program to make up in part for the default in federal funds. Assembly Bill 974 is presently before the Senate. This bill provides funds for housing rehabilitation and housing assistance as well as shelters for the homeless in the cities. A974 may be a partial answer to the housing problems of poor people in the cities.

I write these words with a great sense of sadness. As the original sponsor of the "Fair Housing Act," I worked with a dedicated group of planners, attorneys and representatives of the League of Municipalities, the builders and the Governor's Office for more than eighteen months to frame a fair law. There were countless hearings and adjustments necessary to find an acceptable response to the Mt. Laurel doctrine. We had such high hopes for this bill. But, when the smoke subsided and the shouting died, we were left the same difficult problem which we had before the new law was enacted. That problem is how to provide low and moderate income housing for young couples, first time wage earners, senior citizens on a fixed income, moderate income professionals such as police officers, firefighters and school teachers who are often called the "hi-tech poor" and the traditionally defined poor people in the city.

The new law, in my view, only assures further escalation of the housing problem in New Jersey.

MINORITY BUSINESS ENTERPRISE
AND STATE GOVERNMENT
Beverly Lynn Ballard

In the 1982 edition of Blacks in New Jersey, the lack of growth of minority owned businesses was given attention. In addition, that report described many of the historic and patterned forms of discrimination and economic deprivation which have plagued the minority business enterprise owner (MBE) in the State of New Jersey. The report also included several recommendations aimed at helping the MBE overcome these problems.

Although new data on minority business growth are not currently available, such data may be available soon. The New Jersey Office of Minority Business Enterprise (OMBE), recently has begun a process of collecting information to build a MBE state wide data base.

An initial review of the data now being collected shows that state government agencies in New Jersey spent less with MBE's than they did with Women Business Enterprise (WBE's) or Small Business Enterprises (SBE's) during fiscal 1984 (see table 1). This assessment is derived from information used in the preparation of several legislative initiatives aimed at addressing many of the problems outlined in the 1982 document and figures from the New Jersey OMBE. It must be pointed out here, however, that the data were provided to the New Jersey OMBE by the N.J. Small Business Office (NJSBO). Because of incomplete data collection and long-time professional conflicts between these two agencies, the accuracy and completeness of the report is somewhat suspect. Readers of this report should be reminded that the

DEPARTMENT PURCHASES THROUGH
THE DIVISION OF PURCHASE & PROPERTY
FISCAL YEAR 1984

TABLE I

DEPARTMENT	100 EMPLOYEES OR LESS (SBE)		MINORITY OWNED (MBO)		WOMEN OWNED (WBO)		TOTAL PURCHASES FROM ALL VENDORS 100%
AGRICULTURE	259,251.83	31.5%	6,568.00	0.7%	2,966.02	0.4%	824,082.91
BANKING	50,541.19	47.7%	0.00	0%	2,341.24	2.2%	105,947.13
CIVIL SERVICE	274,244.09	22.2%	897.40	0.1%	46,896.05	3.8%	1,233,180.57
COMMERCE	319,742.75	11.2%	0.00	0%	77,796.67	2.7%	2,651,506.00
COMM. AFFAIRS	155,758.06	16.0%	2,621.32	0.3%	19,748.08	2.0%	979,172.12
CORRECTIONS	8,679,937.44	41.0%	240,597.76	1.1%	607,000.21	2.9%	21,152,532.58
DEFENSE	990,553.19	39.1%	0.00	0%	51,064.80	2.0%	2,532,904.39
EDUCATION	1,132,035.48	18.7%	5,234.54	0.1%	45,003.10	2.4%	6,069,042.79
ENERGY	547,605.23	25.0%	257.67	0%	185,700.79	0.8%	2,103,934.45
ENVIRONMENTAL PROTECTION	8,639,249.86	48.1%	63,536.13	0.3%	451,974.16	2.7%	18,363,022.45
HEALTH	960,327.86	20.8%	217.45	0%	73,626.70	1.6%	4,614,716.44
HIGHER EDUC.	6,286,753.59	19.6%	33,513.35	0.1%	541,696.95	1.7%	32,115,457.32
HUMAN SERVICES**	12,848,423.09	1.9%	114,566.70	0%	1,615,758.66	0.2%	674,557,831.69
INSURANCE	102,019.26	41.7%	182.00	0%	13,440.51	5.5%	244,424.35
LABOR	1,817,249.62	12.4%	2,986.85	0%	42,313.93	0.3%	14,654,212.05
LAW & PUBLIC SAFETY	8,841,532.89	37.3%	218,897.69	0.9%	577,628.26	2.4%	23,716,653.84
PUBLIC ADVOCATE*	409,673.02	49.9%	208.66	0%	62,997.87	7.7%	620,740.83
STATE	441,088.41	25.4%	481.25	0%	43,963.30	2.5%	1,738,259.20
TRANSPORTATION***	30,353,489.20	31.2%	484,642.77	0.5%	292,549.16	0.2%	97,253,078.93
TREASURY	14,518,738.54	14.6%	52,125.98	0%	1,356,705.13	1.4%	99,220,693.32
TOTALS	97,831,414.60	9.7%	1,226,526.72	0.1%	6,263,001.60	0.6%	1,005,161,423.31

* Does not include direct purchases to non-listed vendors which accounts for a majority of purchases.

** It is estimated that only 10-15% of the \$600+ million in total purchases is for private sector supplied goods and services. Therefore, the actual relevant percentages should be much higher than indicated.

*** It is estimated that a majority of the approximately \$97 million in total purchases is for right-of-way acquisition. Therefore, there is a significant over-statement of the department's relevant purchases and understatement of the relevant percentages.

comparisons which follow may also be suspect because of these problems with the data.

It appears that there has been no substantial growth in the amount of business conducted with MBE's by public agencies in New Jersey since NJPPRI's 1982 report. In essence, the many problems which contribute to the lack of state agencies using MBE's remain unresolved. This is especially disturbing in view of the extraordinary public attention, time, energy, and effort expended by MBE advocates and legislative leaders in addressing this problem. This 1985 update attempts to point out the current problems contributing to the slow growth of MBE's in our state.

The major problems confronting minority business development include definitions of the MBE; the certification process; and legislative thrusts. Each of these areas will be dealt with separately. However, most of the legislation regarding MBE's also includes women business enterprises and small business enterprises. Since the latter two categories are included in the legislation dealing with MBE's they are mentioned in this report as well.

MBE DEFINITION

The most frequently used definition of minority business enterprise is one that has 51% minority ownership and is controlled by a minority individual. Minority in this context is anyone who is black, Portuguese, American Indian, Asian American or Hispanic. This MBE definition is used by most local, state and federal agencies. The women owned business is one in which a woman has 51% ownership and is controlled by a woman who lives in the State of New Jersey. A Small Business Enterprise (SBE) consists of all registered businesses in the

State of New Jersey with one hundred or fewer employees. It is important here to understand that an SBE is only identified by the number of employees. In other words, MBE's, WBE's, and white male owned firms meeting the number of employees requirement fit into the SBE category. Again, there are no figures available to determine how many MBE's are actually considered SBE's as well. Table I suggests, however, that every state agency spent more money with SBE's and WBE's than with MBE's. The major area of concern, then, is why this has happened. Set-aside programs which were created to provide state agencies with a mechanism for purchasing from minority vendors appear to have not been ineffective

THE CERTIFICATION PROCESS

The definition of the MBE becomes crucial, though, in the certification process. This procedure requires that all MBE's, WBE's and SBE's be certified with the state agency with which that firm intends to do business. Ideally, this process will "qualify" the firm to do business with those public entities. State agencies such as N.J. Transit, the N.J. Department of Transportation, the N.J. Treasury Department, and the N.J. Office of Affirmative Action, have distinct certification procedures. In addition, each quasi public agency (i.e., an independent governmental agency like the Casino Control Commission, the N.J. Turnpike Authority or the bi-state Port Authority of New York New Jersey) has its own certification process. Regional agencies such as the New York-New Jersey Minority Purchasing Council, the Philadelphia Minority Purchasing Council and the Connecticut Minority Purchasing Council all have some type of minority certification process as well. On the local level, cities such as Newark and Plainfield also

have certification procedures. In addition, Essex County government also has a certification process. There are over ten certification procedures currently in place throughout the state. And no two procedures are the same. In addition to the major expenditure of time, energy and in some cases money required to become certified with the many agencies listed above, the problem is further complicated by the fact that often one agency will certify a firm as being a "bona fide" MBE and another agency -- usually reviewing the same data -- will refuse certification. The impact of all of this is a convoluted and oftentimes contradictory certification process. It would also appear, that in New Jersey at least, no agency trusts the certification decisions of any other agency.

The evolution of this certification problem is, in large measure, understandable. The frequent scandals involving the award of public contracts to minority firms which later were determined to be "fronts" or frauds have done substantial damage to efforts to increase MBE involvement with public and private agencies. The creation of "front" firms tends to divert federal and state dollars originally intended for minority business development. These dollars were set aside for the MBE/WBE in an attempt to alleviate some of the historic patterns of discrimination which existed for so long and which plagued the business economic development climate as well. The "front" firm illegally maintains that it is owned or controlled by a minority or female. The firm's books are altered so that it appears that a minority, or female is the owner when that is not the case. In all fairness, however, it must be kept in mind that the willing participation of minorities and women in these front operations is one of the main reasons this fraud is possible.

There have been literally thousands of hours expended with MBE's and state officials to come up with a single certification process. There has been resistance among the certifying agencies regarding a single set of certification criteria which has prevented the adoption and utilization of a single state-wide certification mechanism. The major victim of this inability to agree is the MBE.

Several other issues arise in a discussion of this subject. One issue has to do with the capacity of MBE/WBE firms to handle contracts which may be awarded by state agencies. Another issue that rages within the MBE community is whether MBE firms should be more aggressive in seeking governmental set-aside contracts. A contrasting view is that private sector initiatives are more lucrative and should, therefore, be pursued at the expense of public sector contracts. Realistically, decisions regarding whether an MBE/WBE should go after public or private contracts should be shaped by the opportunities presented. It would appear from the information provided in Table 1 that MBE's in New Jersey don't have many opportunities to secure state contracts. A lack of data prevents an analysis of the MBE success rate in the private sector. While the certification process was intended as a means of assuring that the MBE/WBE is a bona fide firm, the complexities of the process appear to work against the MBE/WBE. Without some major changes, MBE's will continue to be the victims of a system that is supposed to help their business growth.

LEGISLATIVE THRUST

There has been a substantial increase in legislation sponsored in both the New Jersey Senate and the Assembly regarding minority business development. Some of that legislation deals with handling the "front

firms." Other bills address with minority set-aside programs, and others the establishment of a state Business Development Authority for minorities and women. A brief summary of these bills and the status of each in the legislative process is listed below. These bills are illustrative of some of the efforts of black members of the legislature to address the problem of state spending with MBE's.

A866 Makes it a criminal offense to fraudulently misrepresent a business as a minority owned or women-owned business in order to obtain certification as a minority-owned or women owned business and/or to obtain public money from governmental assistance programs targeted at minority owned or women-owned businesses. This bill also identifies criminal offenses.

Status: Released from Judiciary Committee in May, 1984.
Second reading in December, 1984. Bill has not yet been voted on.

Sponsor: Assemblyman Wayne Bryant (D-Caden)

S1776 This bill establishes a set aside program for small businesses, minority businesses and female businesses. A small business set aside program within the Department of Commerce and Economic Development is already in operation. This bill amends the existing law to include MBE's and WBE's. It provides that state contracting agencies shall establish goals to award at least 15% of their contracts to small businesses, 15% to minority businesses and 10% to female businesses.

Status: Conditional veto by the Governor, same has been accepted by Sponsor. Conditional veto consists of Governor's suggestion of an appropriation of \$150,000 to set up MBE/WBE set aside program, for staffing, to set up registration/certification process. Bill awaits vote in Assembly. The program would begin operation six months after bill becomes law. Percentages decreased to 7% for MBE's and 1% for WBE's.

Sponsor: Senator Wynona Lipman (D-Essex)

S544 Establishes a 12-member N.J. Business Development Authority for Minorities and Women in the Department of Commerce and Economic Development. The purpose of the Authority is to aid and encourage the development of minority and female business enterprises.

Status: Out of Committee. On second reading in Senate will then be ready for Senate vote. Being held in Assembly by Revenue, Finance and Appropriations Committee.

Sponsor: Senator Wynona Lipman (D-Essex)

S2976 Requires casino licensees and casino service industry licensees to expend no less than 15% of their contracts for goods and services with MBE's. The renewal of a license for a casino licensee and casino service industry licensee will be contingent upon compliance with this act.

Status: In Senate State Government Committee, awaiting consideration by the Senate. This legislation was specifically requested by MBE's in Atlantic City. It has

not yet moved out of Committee. A result of S2976 was the introduction of a new bill S3051, which will require all casino licensees to abide by affirmative action practices and regulations in order to get casino licenses renewed. The casino industry opposes both bills. A Task Force which includes Senator Lipman and Assemblyman Bryant has been set up to investigate MBE contracts within casino industry.

Sponsor: Senator Wynona Lipman (D-Essex)

A2974

This bill would permit a local board of education to establish a qualified minority business set-aside program and a qualified women business set-aside program.

Status: Passed the Assembly and the Senate. Out of Committee. Now awaiting vote by the full Senate.

Sponsor: Assemblyman Joseph Charles (D-Hudson)

A2385

This bill permits the governing body of a county or municipality to establish a qualified MBE and WBE set-aside program. Each county or municipality may establish a percentage of the dollar value of all contracts and purchases to be set-aside for MBE's or WBE's.

Status: Passed the Assembly and the Senate. Out of Committee. Now awaiting vote by the full Senate.

Sponsor: Assemblyman Joseph Charles (D-Hudson)

SUMMARY

Although legislation has been introduced since 1982 to address the problems of minority business development, there has not been a significant increase in state expenditures with MBE firms. The lobbying efforts on behalf of MBE's by members of the Black Issues Convention (BIC) at the "Black Legislative Day" held in Trenton early in 1985 reaffirmed the many problems still facing the MBE. But again, MBE's have not attained any more dollars as a result of this activity: there has been a minimal increase in purchases of goods and services from minority firms.

One of the critical questions, for which an answer seems elusive, is why has there been so little purchasing activity by state agencies from the minority business community? The legislation supporting such purchases is in place. And there are minority vendors within the state offering services in the areas of banking, computers, data processing supplies, painting, printing, hardware, maintenance, and many other services. The point here is that even with the diversity of New Jersey MBE's, state purchases concentrated more on SBE's and WBE's than on MBE's. Thus, it would appear that the MBE is now competing with all SBE's and WBE's in terms of securing state contracts, a percentage of which should automatically be set-aside for the MBE.

It would also appear that if the major problem in dealing with MBE's comes from the staff level, no matter what amount of legislation is sponsored in the Assembly or Senate to deal with the lack of MBE development, it will do little good if those purchasing agents do not understand that each department is responsible for spending a certain percentage with MBE's.

Another issue in need of attention is the argument about private vs. public support of MBE development. A sample testing of one private sector corporation and a quasi public agency in the northern New Jersey area showed that in 1984, the private corporation spent over \$4 million with MBE's through their minority purchasing program. The other spent over \$8 million with MBE/WBE's.

The purpose of mentioning the two examples immediately above is merely to suggest that new opportunities for MBE's may be emerging in the form of increased purchases by larger private sector concerns -- many of which have self imposed goals for purchases of MBE/WBE products. Further, this acknowledges that there are minority firms which are quite capable of providing quality products, competitive pricing and on-time delivery to the private sector market. The demands of the private market are no less than those of the public sector when capability, quality, pricing, and on-time delivery are involved. The growth in purchasing by private sector firms from MBE's displays a somewhat brighter picture than that of the state, county, or local governments. Nonetheless, it is true that it is up to the MBE to aggressively market and package their product(s) in order to do business with both private firms and public agencies.

RECOMMENDATIONS

The following recommendations are made with the intent that they be studied, reviewed and perhaps incorporated into a strategy to promote state agency purchases of minority business goods and services and thereby help to increase minority business development.

- I. The N.J. OMBE and SBO should resolve the internal conflicts especially in areas of data collection. In addition, there needs to be some central documentation of MBE's within the state. This information should include size of business and type of work the MBE is eligible to perform. This information should be separated from WBE's and SBE's data. The data listing should be provided to all state agencies. The staffs, purchasing officers, etc. should be directed by the Governor to seriously look at spending levels with minority vendors. A yearly report should be required to show at what level each state agency spent with MBE's and in what areas.
- II. A single certification mechanism should be developed which will be accepted by all public agencies doing business with MBE/WBE's. This certification inquiry should be thorough and complete, establishing once and for all that ownership and day-to-day operational control is minority/female. Certainly, a thorough certification inquiry focusing on ownership and operational control will be resisted by some MBE/WBE's. However, given the public perception (and to some degree the reality) that many MBE/WBE's are fronts, the inquiry is mandatory if an image of integrity is to be restored to the MBE/WBE set-aside program.

III. Both the Legislature and the Governor should undertake a serious analysis of the bills mentioned above and enact such legislation which will help minority business growth in the state, including setting up mandatory requirements for state purchasing departments.

THE 1984 JESSE JACKSON CAMPAIGN;

Some Implications For New Jersey

M. William Howard

These days, thoughtful students of the American political landscape are busy trying to understand and to interpret the 1984 Presidential Campaign. Much has been written thus far, but the subject is far too pregnant with the stuff that political analysis is made of to be laid to rest just yet.

One element of this Campaign which will defy simple characterization, one which combined a variety of divergent factors not altogether familiar to traditional politics, was the campaign of the Reverend Jesse Louis Jackson and his Rainbow Coalition. In this brief article, attention will be devoted to looking at some of the factors which shaped the Jackson Campaign, and suggesting what some of the implications these factors might portend for politics in New Jersey.

First a disclaimer: There are bound to be legions of persons in the State of New Jersey who know more about the history and the current practice of electoral politics in the state than does the writer, and in developing the subject, the writer will confine his observations, as much as feasible, to those things which he himself has experienced as a key actor in Jackson's national campaign effort, with practically no dependence on hearsay.

The experience of New Jersey cannot be separated from the Jackson Campaign as a national phenomenon. Throughout the nation, the Campaign was characterized by its mass appeal. It attracted people into

electoral, political, activity who had never imagined their involvement before. These ranged from regular voters who had simply gone to vote for candidates chosen and undergirded by others, to people who registered and voted for the first time in the 1984 Presidential Primary.

This new involvement brought with it several new lessons and challenges. For the first time, some persons got a close glimpse of the structure of a political campaign. They became acquainted with party rules, with election districts, with gathering signatures to qualify to be placed on the ballot. They saw, many for the first time, just how their democracy works.

Not all they saw pleased them. Some felt that the system was closed to the novice, that it was discriminatory toward the less powerful, but this feeling inspired their determination to be more involved. The Jackson Campaign signalled an opportunity for those who were "locked out" to get involved in the process, so when the door seemed shut to this constituency, they were ever more convinced about the rightness of their work. To the extent that the Jackson Campaign took on the features of a kind of religious crusade, with God being on the side of the disinfranchised against those who controlled power, the obstacles which the newcomers experienced when they entered the arena of electoral politics only became further evidence that theirs was a righteous cause.

In summary, the Jackson Campaign, wherever it touched down in the nation, stimulated new people - talented and committed people -- to roll up their sleeves and dig in. Now, a whole new cadre of experienced campaign organizers and workers have been developed. They know the importance of using politics to get things done in their

communities; they know that rhetoric is secondary to hard-core, disciplined work; and they know that without money, it is very difficult to get things going.

While the Jackson Campaign was not an all black campaign (about 20% of Jackson's support came from whites, for example), there is no question that the campaign was black led and controlled. And given the new resources which it uncovered and the new level of maturity of black political action it revealed, it would seem natural that veteran black politicians would have welcomed these developments. Obviously some did, but this was not the universal reaction of black politicians.

Some black politicians have mastered conventional political organizing. The system serves them well, and even though the Jackson mass-based campaign held out to them the opportunity of expanding the base, this was sometimes perceived as a threat to their status quo. It was soon evident that this boom in black political participation would not be welcomed by all.

The black community is accustomed to being admonished about not going to the polls on election day. However, the Jackson Campaign illustrated that, when given an attractive candidate who is promoting a program that speaks to their needs, black citizens will not only vote, but will do other work which their political interests dictate. Yet with their support comes a new, and sometimes "unfamiliar" set of political expectations. These expectations are rooted in ideals and in perceived standards of political leadership by which politicians would be judged, and to their "new" and more attentive constituency, they did not always measure up.

Understanding the impact which Jackson has had on the established politician is not an easy assignment, but it is probably accurate to say that those who did not see their fortunes being increased by reform - whether by reform in the party rules or reform in the substance of Jackson's political proposals - tended to be made uneasy by Jackson's presence. They would rather see him disappear as rapidly as he appeared. Some who felt this way were, in fact, visible Jackson supporters who took the calculated risk to support him lest they appear out of step with their constituency.

Time will tell if Jackson was right when he said that, because of his campaign, American politics would never be the same. Many of the structures, and many of the assumptions about how politics is done, which came under scrutiny during the height of the campaign season, remain very much as they were before.

There can be little doubt, though, that in spite of the fact that the electoral process may not have been systematically affected in a direct and lasting way by the Jackson effort, we can clearly see the impact of the campaign in cultivating an extra political movement of concern among the masses of people who have felt left out of the mainstream.

As implied earlier, one of the reasons why some of the less powerful elements in society were drawn to the Jackson Campaign was because Jackson often spoke on the issues which concerned them most. Jackson gave renewed visibility and broad attention to many issues which have been around a long time but neglected by political leaders. He openly talked about the plight of the poor (of all races) in some detail. Often he was the only candidate who spoke aggressively about the rise of poverty in the USA. He proposed international policies

which sought to build just relations among nations. He consistently focussed on the assault being waged on the voting rights of blacks and Hispanics in particular and on Affirmative Action in employment and educational opportunity. He talked about the environment, about peace, about the plight of the small farmer. When the electorate heard these issues raised, it was almost as if they had been reminded anew of the kinds of urgent matters which were missing from the political platforms and debates which they had come to expect.

Many established black and white politicians knew about the concerns that Jesse raised, but all-too-often, they lacked the political will or the capacity to raise these issues in the same way. However, once Jesse was on the scene, there was a dramatic shift in what was discussable, and professional politicians had to sit up and take notice. A new political agenda and a new political mode was being set, and it could not be ignored or stopped.

Prior to 1984, blacks active in politics were often embarrassed by the level of support which they received from their own people. Their white colleagues knew all-too-well about the relatively low level of political and civic activity among blacks, and this image did not put black pols in a position of strength. More often than not, they had to be content with attaching themselves to the initiatives of others, usually whites regarded as liberal. Black politicians were in the game, but just barely. And it was their role to deliver the blacks, or at least appear to, on the initiatives which their benefactors had taken. Admittedly, some of the circumstances were much better than this, but there were far too many whose situation could be described in exactly this way.

Jackson was fond of saying that in the past blacks were guilty of practicing "surrogate" politics, but that his Campaign offered them a chance to practice "peer" politics. He was not only asking for certain specific planks in a party platform, he was demanding "respect." During the Democratic National Convention, he often spoke of how it was such a major and historic development that blacks had "their own trailer" on the convention floor. They were no longer passing notes to the candidate's aide; they had their own candidate speaking from the podium.

In many ways, after the November 6th election and the landslide victory of Ronald Reagan, blacks went from being reactors to other initiatives to the dramatic new position of initiative-takers. They were one of the few identifiable constituencies in the nation who resoundingly rejected Reagan. They may not have access to the White House, but they may have the best credentials to be the vanguard of any viable future coalition that would be formed to fight Reaganism.

This is just as true in New Jersey as it is in the nation as a whole. Whites, Hispanics, Pacific/Asians, Native Americans, peace activists, environmentalists, progressive labor organizers and many others who recognize the need for substantive change in the direction of the two major political parties are now looking to the Black community for leadership and partnership.

The jury may still be out on some state and local Democratic parties, it is now self-evident that the National Democratic Party (not to speak of the Republican Party) is not capable of embracing this emerging coalition. Rather than applauding the coalition for its loyal support during the general election, the coalition is now being singled out as the reason for the Mondale defeat. Adjustments being made in

the national party apparatus allegedly to strengthen it will, in fact, pull the Party further and further away from the concerns of most Jackson supporters. To the extent the Democratic Party of New Jersey should follow suit, it will usher in its own demise, since voters would seem to much prefer voting for a right wing program fashioned by the Republicans than to support a neo-right wing program fashioned by their Democratic copy-cats.

Obviously, then, the climate described here could lead to a good bit of tension in the future as constituencies activated in '84 become more and more politicized. Only time will tell how this will be addressed in the long run. But as blacks begin to assume their responsibility for the political leadership which the events of '84 seemed to leave at their door, who knows how the old power formations -- be they black or white -- in New Jersey and elsewhere might behave.

One thing is certain: however they behave, there will be whole new sectors of politically active and concerned people who will rise up to call their hand. And somewhere among these sectors we will find New Jersey's political leadership for a new generation.

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